

AMENDED IN SENATE MARCH 23, 2010

**SENATE BILL**

**No. 1091**

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**Introduced by Senator Hancock**

February 17, 2010

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~~An act relating to Medi-Cal. An act to amend Sections 14011.10 and 14053 of, and to add Section 14011.11 to, the Welfare and Institutions Code, relating to Medi-Cal.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1091, as amended, Hancock. Medi-Cal:—reimbursement: *individuals in county juvenile detention facilities.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services.

Under existing law, children in juvenile facilities are ineligible to receive Medi-Cal benefits.

~~This bill would state the intent of the Legislature to enact legislation that would ensure that adequate health care services are provided to children in county juvenile detention facilities by allowing the facilities to receive Medi-Cal reimbursement for health care services provided to children while they are being detained and awaiting adjudication by the courts.~~

*This bill would, subject to the receipt of federal financial participation, make individuals awaiting adjudication in county juvenile detention facilities eligible for Medi-Cal benefits if the individual is receiving Medi-Cal benefits at the time he or she is admitted to the detention facility and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs through an intergovernmental transfer of funds. This bill would provide that these*

*individuals would have their Medi-Cal benefits continued for the first 30 days of the individual's stay in the county juvenile detention facility, or until the date of adjudication, whichever period of time is less.*

*This bill would require the department to seek all federal approvals or waivers necessary to implement these provisions and to allow for federal financial participation.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14011.10 of the Welfare and Institutions  
2     Code is amended to read:

3     14011.10. (a) ~~Benefits~~ Except as provided in Section 14011.11,  
4     benefits provided under this chapter to an individual under 21 years  
5     of age who is an inmate of a public institution shall be suspended  
6     in accordance with Section 1396d(a)(28)(A) of Title 42 of the  
7     United States Code as provided in subdivision (c).

8     (b) County welfare departments shall be required to notify the  
9     department within 10 days of receiving information that an  
10    individual under 21 years of age on Medi-Cal in the county is or  
11    will be an inmate of a public institution.

12    (c) If an individual under 21 years of age is a Medi-Cal  
13    beneficiary on the date he or she becomes an inmate of a public  
14    institution, his or her benefits under this chapter and under Chapter  
15    8 (commencing with Section 14200) shall be suspended effective  
16    the date he or she becomes an inmate of a public institution. The  
17    suspension will end on the date he or she is no longer an inmate  
18    of a public institution or one year from the date he or she becomes  
19    an inmate of a public institution, whichever is sooner.

20    (d) Nothing in this section shall create a state-funded benefit or  
21    program. Health care services under this chapter and Chapter 8  
22    (commencing with Section 14200) shall not be available to inmates  
23    of public institutions whose Medi-Cal benefits have been suspended  
24    under this section.

25    (e) This section shall be implemented only if and to the extent  
26    allowed by federal law. This section shall be implemented only to  
27    the extent that any necessary federal approval of state plan  
28    amendments or other federal approvals are obtained.

1 (f) If any part of this section is in conflict with or does not  
2 comply with federal law, this entire section shall be inoperable.

3 (g) This section shall be implemented on January 1, 2010, or  
4 the date when all necessary federal approvals are obtained,  
5 whichever is later.

6 (h) By January 1, 2010, or the date when all necessary federal  
7 approvals are obtained, whichever is later, the department, in  
8 consultation with the Chief Probation Officers of California and  
9 the County Welfare Directors Association, shall establish the  
10 protocols and procedures necessary to implement this section,  
11 including any needed changes to the protocols and procedures  
12 previously established to implement Section 14029.5.

13 (I) Notwithstanding Chapter 3.5 (commencing with Section  
14 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
15 the department shall implement this section by means of all-county  
16 letters or similar instructions without taking regulatory action.  
17 Thereafter, the department shall adopt regulations in accordance  
18 with the requirements of Chapter 3.5 (commencing with Section  
19 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

20 *SEC. 2. Section 14011.11 is added to the Welfare and*  
21 *Institutions Code, to read:*

22 *14011.11. (a) To the extent that federal financial participation*  
23 *is available, benefits provided under this chapter may be provided*  
24 *to an individual awaiting adjudication in a county juvenile*  
25 *detention facility if all of the following requirements are met:*

26 *(1) The individual is receiving Medi-Cal benefits at the time the*  
27 *individual is admitted to the juvenile detention facility.*

28 *(2) The county agrees to pay the state's share of Medi-Cal*  
29 *expenditures and the state's administrative costs through an*  
30 *intergovernmental transfer of funds.*

31 *(b) Benefits provided pursuant to this section shall continue for*  
32 *the first 30 days of the individual's stay in the juvenile detention*  
33 *facility, or until the date of adjudication, whichever period of time*  
34 *is less.*

35 *(c) The department shall seek all federal approvals or waivers*  
36 *necessary to implement this section and to allow for federal*  
37 *financial participation.*

38 *(d) This section shall be implemented on January 1, 2012, or*  
39 *on the date that all necessary federal approvals or waivers are*

1 *obtained and federal financial participation is available, whichever*  
2 *is later.*

3 *(e) Notwithstanding Chapter 3.5 (commencing with Section*  
4 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*  
5 *the department shall implement this section by means of all-county*  
6 *letters or similar instructions without taking regulatory action.*  
7 *Thereafter, the department shall adopt regulations in accordance*  
8 *with the requirements of Chapter 3.5 (commencing with Section*  
9 *11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

10 SEC. 3. *Section 14053 of the Welfare and Institutions Code is*  
11 *amended to read:*

12 14053. (a) The term “health care services” means the benefits  
13 set forth in Article 4 (commencing with Section 14131) of this  
14 chapter and in Section 14021. The term includes inpatient hospital  
15 services for any individual under 21 years of age in an institution  
16 for mental diseases. Any individual under 21 years of age receiving  
17 inpatient psychiatric hospital services immediately preceding the  
18 date on which he or she attains age 21 may continue to receive  
19 these services until he or she attains age 22. The term also includes  
20 early and periodic screening, diagnosis, and treatment for any  
21 individual under 21 years of age.

22 (b) The term “health care services” does not include, except to  
23 the extent permitted by federal law, any of the following:

24 (1) Care or services for any individual who is an inmate of an  
25 institution ~~(except, except as a patient in a medical institution)~~  
26 *institution, or pursuant to Section 14011.11.*

27 (2) Care or services for any individual who has not attained 65  
28 years of age and who is a patient in an institution for tuberculosis.

29 (3) Care or services for any individual who is 21 years of age  
30 or over, except as provided in the first paragraph of this section,  
31 and has not attained 65 years of age and who is a patient in an  
32 institution for mental disease.

33 (4) Inpatient services provided to individuals 21 to 64 years of  
34 age, inclusive, in an institution for mental diseases operating under  
35 a consolidated license with a general acute care hospital pursuant  
36 to Section 1250.8 of the Health and Safety Code, unless federal  
37 financial participation is available for such inpatient services.

38 ~~SECTION 1. It is the intent of the Legislature to enact~~  
39 ~~legislation that would ensure that adequate health care services~~  
40 ~~are provided to children in county juvenile detention facilities by~~

- 1 ~~allowing the facilities to receive Medi-Cal reimbursement for~~
- 2 ~~health care services provided to children while they are being~~
- 3 ~~detained and awaiting adjudication by the courts.~~

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